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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,198

02/27/2007

Rory Brooke

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03/27/2009

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EXAMINER

DUCKWORTH, BRADLEY

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

03/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,198	Applicant(s) BROOKE, RORY	
	Examiner BRADLEY H. DUCKWORTH	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 13-22, 24 and 27-35 is/are rejected.
- 7) ☒ Claim(s) 6-12, 23, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/23/07</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 2/23/07 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but some of the information referred to therein has not been considered. The document WO 00/59344 was found by the examiner and considered, however the examiner was unable to find foreign document GB 1315833, and as such the document was not considered as indicated by the strike through on the annotated IDS.

Claim Objections

Claim 26 is objected to because of the following informalities: there is no antecedent basis for the term "said other pair of spokes" in claim 26. For the purposes of examination it was assumed that the other pair of spokes referred to a second pair of spokes, distinct from the pair mentioned in claim 23. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

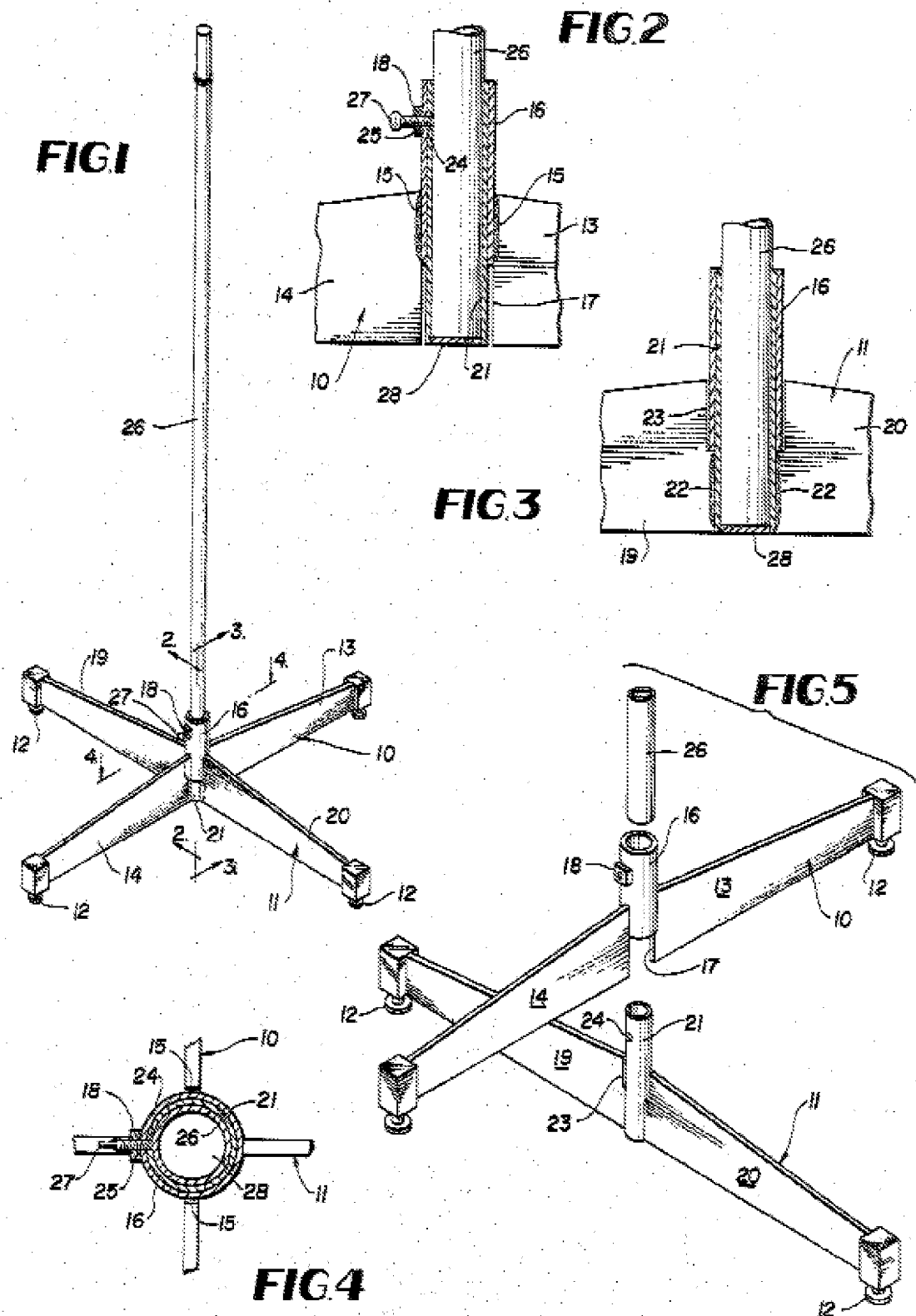
Claims 1-5, 13-24 and 27-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (US004406437) in view of Chen (US006155743). Referring to figures 1-5 of Wright, a support is shown comprising an elongated support structure(26) for connection at an upper end thereof to an item of furniture, such as a display rack. (Claims 1,5,15,17,20,21)The support structure having an elongated guide formation(21) and a first pair of feet(12 at end of 19 and 20) at an operatively lower end thereof, with the elongated guide formation being in the form of a guide pin that extends downwardly from the support structure and lengthwise relative to the support structure. The support further comprising a displaceable support member(14+13) with a second pair of downwardly extending feet(12), with lines drawn between the pairs of feet being transverse and orthogonal to each other. The displaceable support member further having a centrally located elongated guided formation(16) in the form of a guide passage defined by housing(16). The guided formation being longitudinally and slidably displaceable along a rectilinear guide path(shown exploded along said path in figure 5) which is transverse to the lines drawn between the pairs of feet. (Claim 4 and 24) The guide passage being of a circular cross-section and the guide pin being circular

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cylindrical, with there being limited clearance between the guide formation and the guided formation as seen in figure 4, with such limited clearance causing automatic frictional locking of the first support component relative the second support component when a moment about an axis transverse to a longitudinal axis of the guide pin is exerted on the second support component . (Claims 13 and 14) The feet of the first and second pair being spaced at equal distances from the longitudinal axis of the guide formation. (Claims 16 and 28) The support also having means for sealing the guide pin from the environment, as seen in figure 3, plate 28 and support 26 effectively sealing the pin(21) from the environment. (Claim 22) The support further comprising a locating arrangement, notch(17), the locating arrangement keeping the first and second support components in a predetermined relative configuration as see in figure 1. (Claim 27,30,33) The support further comprising a securing formation, unlabelled annular collar seen at the top of support(26) in figure 1, the securing formation for securing the support to an upper portion of an item of furniture. It should be noted that the support of Wright is disclosed as being used with a display rack which was considered an item of furniture. (Claims 1,2,3,17,18,19,24,29) Wright teaches a support as detailed above, with a securing formation, set screw(27) for securing the guided formation on the guide pin, Wright however does not teach the use of a slit and adjusting arrangement on the housing to adjust the cross sectional area of the guide passage, with the adjusting arrangement comprising a pair of passage defining formations on either side of the slit with a nut and bolt assembly received in the passages of the formations such that the formations are held captive between the head of the bolt and the nut to adjust the width

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of the slit by threading the nut on the bolt. Referring to figure 2 of Chen, Chen teaches a similar support stand with an assembly for securing a support member(12) with a guide passage formed by a housing(50) to a second support member with a guide pin(12), the assembly comprising a housing(50) with a slit(51) bordered by a pair of passage defining formations(52 and 52'), with a bolt and nut assembly(38 and 39) received in the passages of the formations to adjust the width of the slit, thereby adjusting the cross sectional area of the housing to secure the first and second support components. It would have been obvious to one of ordinary skill in the art at the time of invention to replace the set screw of Wright with the clamping housing of Chen since this would merely be replacing one known method of coupling telescoping elements relative each other with another known method, as taught by Chen. (Claims 31,32,34,35) With regards to claims 31,32,34 and 35, Wright teaches a support as detailed above for use with a display rack, however Wright does not teach that the support stand could be used with a table top or a chair seat. The use of tables and chairs with depending stand portions having bases with plural intersecting legs is well known, as such it would have been obvious to one of ordinary skill in the art at the time of invention to use the stand base of Wright in view of Chen with either a table top or chair seat, as this would be using known elements for their known functions.



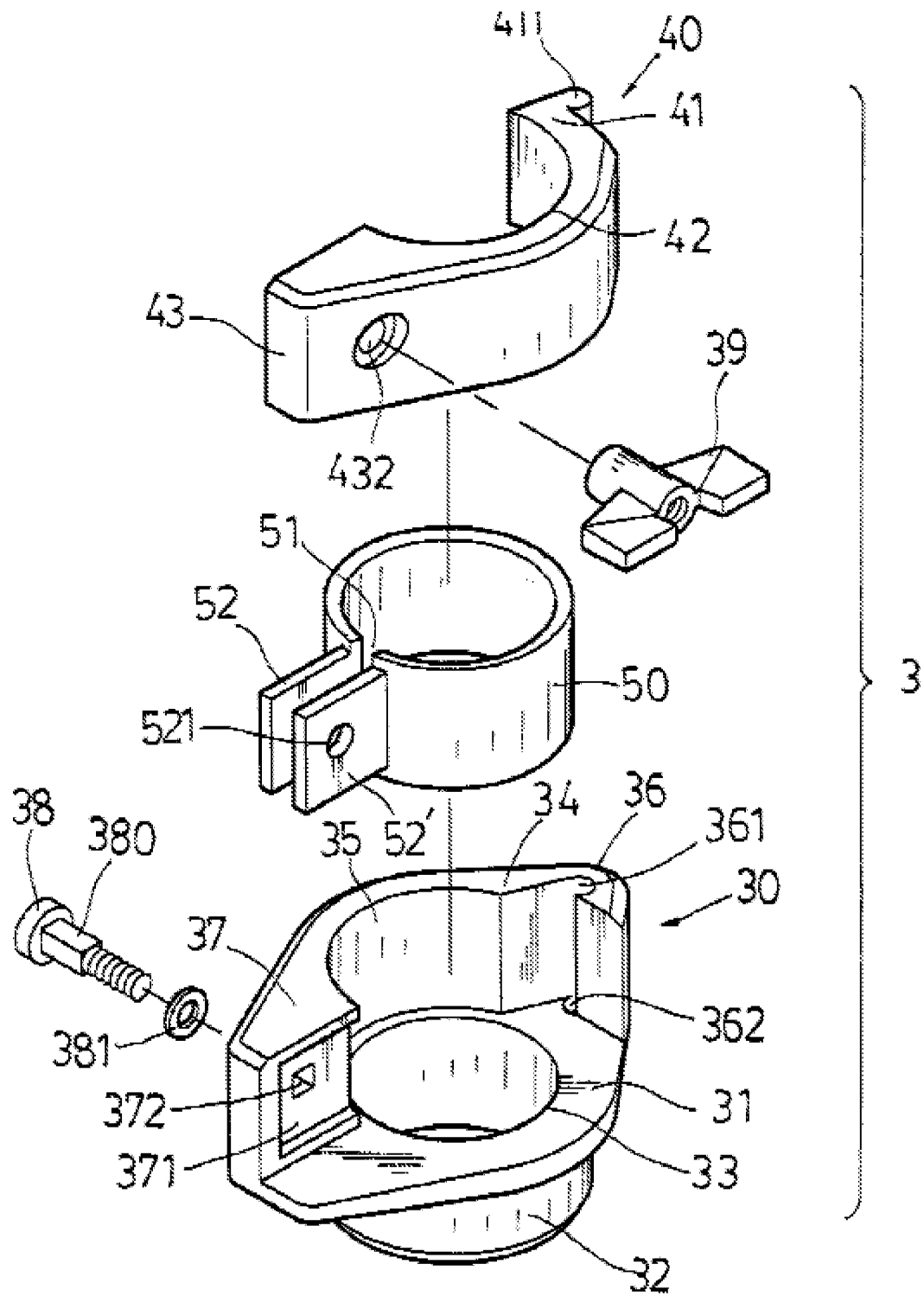


Fig. 2

Allowable Subject Matter

Claims 6-12,23,25 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRADLEY H. DUCKWORTH whose telephone number is (571)272-2304. The examiner can normally be reached on m-f 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/B. H. D./

Examiner, Art Unit 3632

/J. ALLEN SHRIVER II/

Supervisory Patent Examiner, Art Unit 3632